

Joshua Adam Schulte, *pro se*

December 9, 2021

BY HAND

Judge Jesse M. Furman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Filed with the Classified
Information Security Officer
CISO
Date December 14, 2021

RE: *United States v. Joshua Adam Schulte, S3 17 Cr. 548 (JMF)*

Dear Judge Furman,

I ask the Court to reconsider its December 3, 2021 Order, as it ultimately cedes unlimited power to the executive branch and severely prejudices me as I have no idea what the government will improperly classify in the future.

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See *The Code Book*, by Simon Singh (1999):

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- "The Code Book, by Simon Singh (1999), [REDACTED]
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See 2017.13.13 Covert SW at [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

In what alternate Universe is any of this classified? Judge Furman, bullets 4-9 are from a public book literally defining a word in the dictionary—the CIA cannot classify the word [REDACTED] the last 3 bullets are from FBI Agent Donaldson's *unclassified search warrant*.

Judge Furman, I urge you to reconsider your ruling from 12/3/21. The CIA is playing us both for fools, claiming unclassified materials from public books, unclassified search warrants, and other unclassified sources are somehow classified. If the CIA declares "SEE SPOT RUN" to be classified, will the Court really allow it? Several statements the CIA classified were literally portion marked with a "U"—meaning *unclassified*

- (U) [REDACTED]
- (U) [REDACTED]
- (U) [REDACTED]

This literally cannot be classified. The CIA has no authority to classify unclassified materials, and I urge the Court to review my letters challenging the absurd classifications by the CIA and reconsider its order. "The government has no legitimate interest in censoring unclassified materials," and, thus, "may not censor such material, contractually or otherwise." *McGehee v. Casey*, 718 F.2d 1137, 1141 (D.C. Cir. 1983); see also *Snepp v. United States*, 444 U.S. at 513 n. 8 ("If in fact information is unclassified or in the public domain, neither the CIA nor foreign agencies would be concerned.").

What stops the government and the CIA from proclaiming everything I write to be classified? What stops them from declaring the word "the" to be classified? How can I possibly

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know what is and is not classified when the government improperly classifies antiquity, words from the dictionary, and paragraphs portion marked unclassified? This Court cannot stand by and permit the executive branch unilateral authority to decide what is free speech and what is not—the Constitution prohibits this. The founding fathers instituted a government with checks and balances—if the Court steps aside and authorizes the government unlimited power and authority, then what checks and balances remain? The doctrine of separation of powers, the First Amendment, and my special privileges as a former CIA employee enable me to challenge faulty government classifications and empower you to oversee the executive's classification authority. "The Constitution enumerates and separates the powers of the three branches of Government in Articles I, II, and III, and it is this 'very structure' of the Constitution that exemplifies the concept of separation of powers." *Miller v. French*, 530 U.S. 327 (2000) (quoting *INS v. Chadha*, 462 U.S. 919, 946 (1983)). Separation of powers principles prohibit "one branch from encroaching on the central prerogatives of another." *Id.*

You, the Judiciary, are the sole check upon executive orders and unilateral authority grasped by the executive branch—for the judiciary to step back, and decline to limit the executive's power, or at the very least, hold the executive in check, violates the very foundation of the Constitution. Please stand firm and hold the CIA accountable.

Respectfully submitted,

Joshua Adam Schulte

